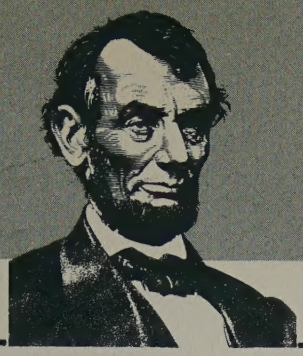

Lincoln Lore

Bulletin of The Lincoln National Life Foundation . . . Dr. R. Gerald McMurtry, Editor
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"THE ONLY MURDERER, DEFENDED BY LINCOLN, WHO WAS HANGED FOR HIS CRIME"

William Fraim

vs

The people of Illinois } **Indictment for murder**

On Sunday, April 21, 1839 Abraham Lincoln probably traveled all day, from Springfield to Carthage, a distance of 115 miles to attend the opening of the Hancock Circuit Court the next morning.

Lincoln was to act as an attorney for one William (Fielding) Fraim, a day laborer on the steamboat *Hero* which plied the Illinois River. Fraim a twenty year old, red-headed Irishman had murdered a fellow laborer, William Neathhammer, in a drunken brawl, on February 17, 1838, at Frederick in Schuyler County.

An indictment against William Fraim for murder was returned by the grand jury at the June term, 1838, of the Circuit Court of Schuyler County. The indictment stated that the defendant: "Not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil,' on February 17, 1838, assaulted William Neathhammer with a knife which he struck and thrust into the left side of the breast, the wound being a mortal wound from which the assaulted man instantly died."

The indictment was signed, "H. L. Bryant, States' Attorney" and it bears an endorsement as follows: "Filed June 6, 1838, Robert A. Glenn, Clk." The indictment is endorsed, "a true bill, Peter N. Holme, foreman of the grand jury." The indictment also bears the name of six witnesses.

A number of papers relating to this case *People vs Fraim* are found in the files of the Circuit Court of Hancock County, Illinois. They follow:

1. Each of the entries of the Trial Judge in the docket in the matter of the case.
2. Indictment.
3. Notice of application for a change of venue.
4. Petition for change of venue.
5. Order of change of venue.
6. Order for trial.
7. Plea of defendant.
8. Lincoln's motion for arrest of judgment.
9. Verdict of the jury.

Some of the papers filed in this case purporting to be signed by the defendant are signed by his mark (William his X mark Fraim) indicating that he was unable to write his name. However, one document (No. 7. Plea of defendant) bears the signature of Fielding Frame. It follows: "Fielding Frame who is indicted herein, by the name of William Fraim, being in custody defends and says that he is not guilty of murder in manner and form as charged in said indictment and of this he puts himself upon the country (Signature)." There is every reason to believe that the defendant's given name was "Fielding." The question of the surname is likewise complicated as the defendant signed it "Frame", yet made mark on two signatures spelled "Fraim."

As early as November 7, 1838 T. Lyle Dickey, attorney of Rushville (later a well known judge of Ottawa) addressed a notice of application for a change of venue to H. S. Bryant the prosecuting attorney of the Schuyler Circuit Court: "Sir, Take notice that upon the calling of the case of 'The people of the State of Illinois *vs* William Frame' on an indictment for murder, The defendant will apply for a change of venue on account of the prejudice of the minds of the inhabitants of Schuyler County so that he cannot have a fair trial."

In the petition for a change of venue it was also stated "that great pains have been taken to prejudice the minds of the inhabitants of the counties of Cass, Fulton and McDonough against your petitioner and that they are prejudiced against him. He therefore prays that a change of venue may be awarded to some county where the cause complained of does not exist that he may be enabled to have a fair and impartial trial." To this document the defendant made his mark on the two signatures mentioned above.

The change of venue was granted (June 7, 1838) from the County of Schuyler to the County of Hancock, and the trial was to be held at the courthouse in Carthage on the fourth Monday in the month of April, next. This was the day Lincoln was scheduled to arrive in Carthage to assist Dickey in the defense of Fraim.

The counsel for Fraim tendered a written plea of not guilty which the court ordered to be filed. The defendant's next move was to ask, through his counsel, leave of the court to withdraw the oral plea. This request was refused. Next the defendant objected to going to trial until the prosecution should in some manner reply to his written plea, but the objection was overruled and it was ordered that the prisoner should go to trial and a jury was to be called for that purpose, to which opinion and decision the defendant, excepted.

The trial was a brief one. As the defendant was unknown it occasioned little excitement. The Hon. James H. Ralston was the judge who presided at the trial. The record indicated that the defendant had already pleaded not guilty, answering when the indictment was read to him "that he was not guilty and wanted a fair trial and a just one."

Subpoenas were issued for the following witnesses for the defendant: David Martin, Edward Buckley, Mary Miller and John Allen. David Martin was served with a subpoena, but the others were not. Those witnesses testifying for the prosecution were John Peter Fey and Christian Langner.

In 1839 the old common law of England prevailed whereby a defendant in a murder case was not permitted to testify in his own behalf. Likewise, the jury had nothing to do with the punishment to be inflicted under a verdict of guilty of murder. The law prescribed capital punishment in every case, and the judgment of the court upon a verdict of guilty determined the time and place of execution.

The jury consisted of the following twelve men: John C. Kimbrough, Joseph Lionberger, John Huckens, Daniel H. Wells, Andrew B. Welch, James Welch, Nathan Mason, Moses Stevens, John D. Mellen, James M. Renshaw, Alfred Mead and David Brank.

The jury's verdict was: "We the jury, find the defendant guilty of murder as charged in the indictment." The original verdict is extant. The paper on which the verdict is written is marked "verdict." The verdict is not signed or marked "filed." Of course signing was not necessary if the verdict was proclaimed in open court. Filing was not necessary if the court records show that the verdict was rendered by the jury. What part did Lincoln play in this murder trial? It is at this point in the the court proceedings, and here only, that the name of the future sixteenth president appears. Lincoln's name appears in a motion in arrest of judgment. The name "Lincoln p. d.," indicates that Lincoln is pro (or for) the defendant. The motion in arrest of judgment was filed April 25, 1839. The motion follows:

(handwriting unidentified)

William Fraim ads The people	}	Indictment for murder

And the said Deft. comes and moves the court in arrest of judgment in this case for the following reasons, to wit:

1. The record in this cause does not sufficiently show that an indictment was found by a grand jury of the country against the Defendant Fraim.
2. The record in this cause does not show that a grand jury was empannelled (an authorized spelling) at the Term of the Court at which the indictment purports to have been found.
3. There is no sufficient record in this cause to authorize the court to try the Deft. and pronounce judgment upon him.
4. The record from the Schuyler circuit court is defectively and imperfectly certified.
5. The said record is otherwise informal, erroneous and insufficient.
6. The indictment is bad in this, that it does not show with sufficient certainty, in the conclusion, whether the Deft. was the murderer, or the murdered man.
7. The indictment is bad, in the conclusion, in not showing that the murder was committed in the manner *and by the means* before stated in the indictment.
8. The said indictment is otherwise informal and insufficient.

(probably Lincoln's handwriting)

For all which said reasons the said Deft. moves the court in arrest of judgement herein.

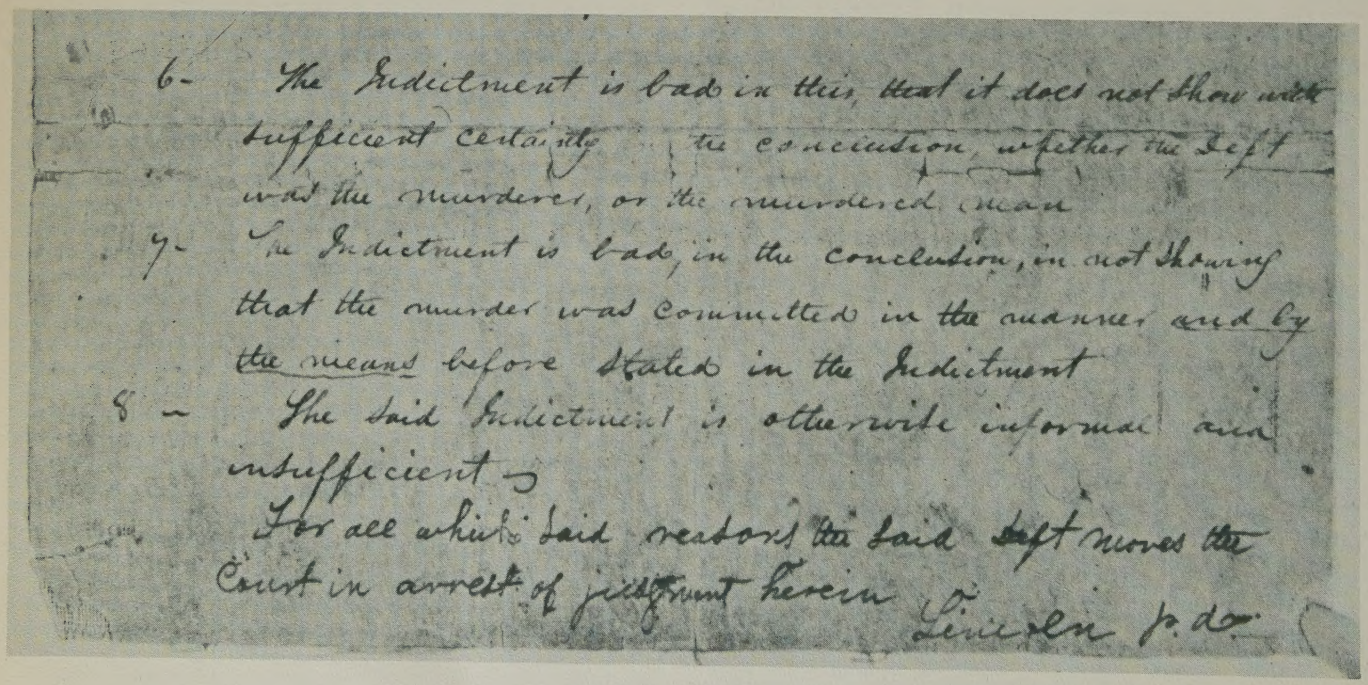
Lincoln p.d.

Charles J. Scofield in his Historical Encyclopedia of *Illinois and History of Hancock County*, Volume 2, Munsel Publishing Company, Chicago, Illinois, 1921, makes an appraisal of this motion of arrest of judgment: "as clear in statement, correct in orthography and composition and shows Mr. Lincoln, who was thirty years of age at the time, to have been well qualified for the preparation of such legal documents."

This document which was once believed to be written entirely in Lincoln's hand, along with other papers relating to the Fraim case, were taken from the courthouse in Hancock County and were acquired by a collector in Spokane, Washington. They were afterwards returned to the files to the Circuit Clerk's office in Carthage.

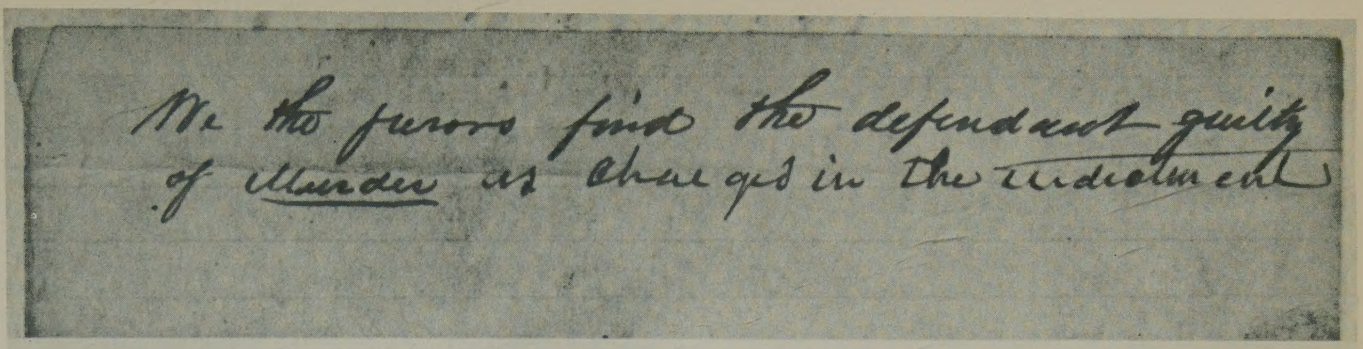
The judge's docket states that the jury found the defendant guilty as charged in the indictment and "thereupon the said Defendant by his attorneys moves for an arrest of judgment on the verdict which judgment is postponed until said motion is disposed of." The judge ordered that "court adjourn till 9' o'clock tomorrow morning."

Judge Ralston, the next day, overruled the "arrest of judgment" and sentenced the defendant to be hanged. This action which was taken on Thursday, April 25, 1839 is as follows: "This day the prisoner William Fraim was again led to the bar in custody of the coroner, and the motion made on yesterday in arrest of judgement being fully argued, and upon due consideration it is ordered by the court that the said motion in arrest of judgement be overruled. And it being demanded of the prisoner by the court what he had or knew to urge in this behalf why judgment should not now be pronounced against him, and the said defendant having nothing to urge, except what had been before urged in this behalf: It is therefore considered by the court that the said William Fraim be hanged by the neck till he be dead. It is further



From the Hancock County Court, File No. 7, Carthage, Illinois

A portion of Lincoln's motion for arrest of judgment revealing that the original document appears in the handwriting of two people. The last two lines and the signature could possibly be that of the thirty year old Lincoln.



From the Hancock County Court,
File No. 7, Carthage, Illinois

The verdict of the jury in the criminal court case William Fraim *v* The people of Illinois.

ordered by the court that the Sheriff of the said county of Hancock do cause execution of this sentence to be done and performed upon the body of him the said William Fraim on Saturday the eighteenth day of May next between the hours of twelve o'clock meredian and two o'clock post meredian of said day on a gallows to be erected within one mile of the town of Carthage in said county: It is further ordered that said William Fraim pay all the costs of this suit. And the said William Fraim is committed to the custody of the Sheriff of said county, to be by him kept in close confinement until the sentence is executed. It is further ordered that the clerk of this court make and certify a copy of this order and deliver the same to the Sheriff of said county which shall be sufficient authority in the hands of said Sheriff to carry into effect the foregoing judgment."

Undoubtedly Lincoln and Dickey put forth their best efforts to defend Fraim. However, the case was not taken to the Supreme Court and the defendant was executed pursuant to the sentence of the Circuit Court. No mention is made regarding any fee to be paid to the lawyers of the defendant.

The prisoner was fettered by a chain about his ankles to which was fastened a large iron ball. He was a pleasant and engaging fellow and a fascinating object of interest for the children of Carthage. He was described as being "full of pranks" and "full of the fun of his race" who continually teased his jailors and joked with them. He was never allowed to be alone and was guarded by the sheriff or one of his deputies. The guarding of Fraim entailed considerable expense according to records of the County Commissioner's Court. Nine guards were paid $119 and Sheriff Edmund G. Haggard was allowed the sum of $122.22 for sundries for the exclusive use of Fraim's comfort and safe keeping. Haggard also received $25 for executing prisoner Fraim.

The place of execution was less than a mile, southwest of Carthage. Curious people came to the hanging from all directions, some fifty miles away, and some a hundred. Men, women and children, some afoot or on horseback and in wagons came for the spectacle. The gallows were erected in a natural amphitheatre so that all might view the execution.

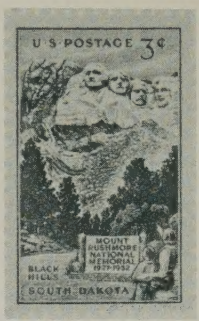
The prisoner, of course, made a short speech. His last words were, "Oh, eternity, eternity, I dread thee!" On May 18, 1839 Field Frame's limp body, face covered by a black cap and body attired in a blue jacket and white trousers (he had been a sailor) swung from the gallows—*the only murderer, defended by Lincoln, who was hanged for his crime.*

Editor's note: The editor is particularly endebted to Joel E. Ferris of Spokane, Washington; Franklin M. Hartzell, Attorney of Carthage, Illinois; and E. G. Piggott, Circuit Clerk, Carthage, Illinois for photostats of the original documents of the Fraim case and for their suggestion that the case merited a detailed study. Likewise photostatic copies of pages 761, 762, 763, 764, 765 and 766 from Charles J. Scofield's *Historical Encyclopedia of Illinois* and *History of Hancock County* (mentioned in article) have proven an invaluable source of information.

While Lincoln was the 16th president, Hannibal Hamlin, who was elected with him for the first term, was only the 15th vice president.

MT. RUSHMORE MEMORIAL STAMP

3c Blue Green—Issue of 1952



Scott No. 1011

This 3 cent stamp was issued to commemorate the twenty-fifth anniversary of the dedication of the Mt. Rushmore National Memorial sculptured by Gutzon Borglum. It is called "The Shrine of Democracy" and it depicts the heads of Washington, Lincoln, Jefferson and Theodore Roosevelt. It was dedicated as the world's greatest sculptured work on September 17, 1927. The stamp was placed on sale at Keystone, South Dakota, on August 11, 1952.

The stamp is 0.84 x 1.44 inches in dimensions. It was engraved by Matthew D. Fenton, and was based on a photograph from the Black Hills Studio, a photograph from the State Highway Department and a post card view published by a firm in Rapid City, S. D. In addition to the sculptured heads of the four presidents there are figures of a woman and a child, in the lower right-hand corner of the stamp, viewing the scene.

The stamp is arranged vertically with a single outline frame and was printed by the rotary process in green, electrically-eye perforated, and issued in sheets of 50. At the top of the stamp is the wording "U. S. Postage 3¢." In the lower right portion of the stamp is a signboard bearing five lines of wording, "Mount Rushmore National Memorial 1927-1952." In the lower left corner of the stamp appears two lines of wording "Black Hills South Dakota." The lettering is in modified Gothic.

W. Lee Fergus: "Abraham Lincoln On Our Stamps," *The American Philatelist*, February, 1958; United States Post Office Department; Postage Stamps of the United States, 1955; Scott's Standard Postage Stamp Catalogue, 1958.

Political Logic

"A celebrated Douglas orator and 'Missouri Republican' correspondent of this county, in a speech lately, asserted that 'Lincoln was an Abolitionist,' and proved it in the following manner: In one of his speeches Mr. Lincoln said, 'I *was* a Whig.' Now he did not say 'I was and *am now* a Whig,' but said 'I *was* a Whig,' and we know that he is not a democrat and therefore he is an Abolitionist (cheers by two). Clear as mud. Now this is a specimen brick of the Douglas mode of proving Lincoln an Abolitionist and a fair sample of the logic of their doctrine."

The Menard Index,
Petersburg, Illinois,
August 9, 1860.

The Health of President Lincoln

The Daily Post, Pittsburgh, Pennsylvania, on March 24, 1865 carried in an obscure position on its front page the following notice "Washington, March 23. It is understood that the president, with his family, is about to leave Washington for a few days relaxation, in accordance with the advice of his physician."

Lincoln was glad for the opportunity to escape the cares of Washington and to see something of the war in the Richmond area. Consequently he accepted General Grant's invitation of March 20 to visit the front. The president's party consisted of Mrs. Lincoln, her maid, and son "Tad," the bodyguard William H. Cook and Captain Charles B. Penrose. The army officer had been detailed by Secretary of War, Edwin M. Stanton to accompany the president.

The party took passage on the *River Queen* at one o'clock p.m., March 23. This vessel was accompanied by the *Bat*. The *Bat* was to have been boarded by the presidential party until Mrs. Lincoln decided to accompany her husband. The *River Queen* had more commodious quarters. Despite a furious gale the party reached City Point, on the south side of the James River, several miles below Richmond about 9 o'clock p.m. the following day. At the time of arrival Lincoln was "feeling well, having had a pretty fair passage." However, Lincoln later developed an upset stomach, which he attributed to the drinking water on the *River Queen*.

A week later Mrs. Lincoln returned to Washington and brought back a party including Senator Sumner and Senator and Mrs. Harlan and their daughter, Mary Eunice, who was engaged to marry Robert Lincoln, a member of Grant's staff. Lincoln did not return to Washington until late in the afternoon of April 9, the day Lee surrendered to Grant at Appomattox Court House. Lincoln would have remained longer in City Point for news of the surrender, but he decided to return to the capital because of Secretary Seward's critical injuries resulting from a carriage accident.

Despite considerable company aboard the *River Queen* the activity of living in close proximity to the closing scenes of the war was exciting, relaxing and invigorating. Lincoln conferred with Grant, Sherman and other officers and had something to do with the shaping of the final strategy to be employed against the Southern forces.

The editor of the Pittsburgh *Daily Post*, March 24, 1865, professed to know what was wrong with Lincoln's health and ran excerpts from two New York newspapers on the subject:

"We are no alarmists, but the New York *Tribune* is still exercised about the health of the President, and with reason, when it contemplates the 'incoherent' back-ground of Johnson. It dogmatizes on the subject in this style:

" 'This has only to go on a little longer, and the nation will have to mourn another dead President, as it so lately mourned the untimely fate of Harrison and Taylor. And we give fair notice that we shall hold any one who presumes in that case to talk of 'mysterious providence,' 'inscrutable decrees,' 'visitation of God,' etc. etc. a shameless impostor. The President is being killed by monstrous experiments on his patience and good nature—killed by the greed and impudence of bores, who meanly calculate that they have only to bore hard enough, and 'most of them will be gratified, in order to get rid of them.'

"The *World* takes a different view. It holds that the President is himself to blame, for the sufferings he has undergone from the shoddy crew and officeholders. It says:

" 'This whole parade of concern for the President's health is stuff. Mr. Lincoln has it in his own power to regulate his business as every other public man in Washington, or every man with a large business in New York, can do and does. Such men refuse to see the bores. They interpose secretaries and clerks, and see only those whom it is important to the public interest that they should see. President Lincoln can do the same, if he desires to. That he does not is a proof that he does not want to—is a proof that he finds it pleasant and profitable to distribute office in person, and make midnight speeches from hotel balconies, in order to get one more touch at the raw on the galled jade of abolitionism.' "

A Recent Acquisition

Manifest of the Slave Vessel *United States*

The Foundation has recently acquired an interesting manuscript (13" x 6'4") pertaining to slavery in general, but to the institution in New Orleans, Louisiana, in particular. The manuscript is dated in the fall of 1828, the period of Abraham Lincoln's first visit to that important Southern city.

The document follows: "Report and manifest of the cargo of slaves on board the Brig *United States* of Norfolk (Va.) whereof is at present Master Henry C. Bell. Burden 152 8/95 Tons bound from the port of Alexandria in the District of Columbia for New Orleans in the state of Louisiana."

Two hundred and one slaves are numbered and described as to name, height, age, sex and complexion. The manifest also indicates "By Whom Shipped," "Residence of Shipper," "To Whom Consigned" and "Residence of Consignee." As to complexion the slaves are described as black, yellow, mulatto, brown and copper. All of the cargo consisting of 122 males and 79 females (2 of which were infants) had given names, some of which were Biblical in origin.

The slaves were the property of John Armfield, Elias P. Legg and William K. Ish, all citizens of the state of Virginia. The slaves were consigned to Isaac Franklin, James B. Diggs and Wilkins & Linton all of New Orleans.

The slave shippers (Armfield, Legg & Ish) made an oath (October 2, 1828) that the slaves mentioned in this manifest "are legally held to service or bondage and that none of the same have been imported into the United States or the Territories thereof subsequent to the first day of January, Eighteen Hundred and Eight."

H. C. Bell, the ship's master likewise took an oath that "the within manifest . . . contains a just and true account of all the slaves on board the said Brig . . . So help me God."

With all the required affirmations the collector of the Custom House at Alexander granted permission on October 2, 1828 for "the said Brig to proceed to the port of New Orleans in the State of Louisiana."

In the fall of 1828 Lincoln with Allen Gentry made a flatboat trip to New Orleans. Embarking on the Ohio River from Rockport, Indiana, several weeks were required to make the journey.

The wonders of New Orleans fascinated the two pioneer backwoodsmen. According to a generally accepted tradition the two young men were one day walking down a New Orleans street when a crowd attracted their attention. They went closer to see what was going on. An auctioneer was making a speech and offering for sale a young negro woman standing on a block used for the slave market. Here Lincoln saw the negro girl sold to the highest bidder. Lincoln is reported to have said, "If I ever get a chance to hit that thing I'll hit it hard." Lincoln's hatred of the slavery institution was perhaps further confirmed during his second visit to New Orleans in company with Denton Offutt and John D. Johnston during the period from April to July in the year 1831. Perhaps it may have been on this second visit that Lincoln uttered his famous declaration.

It is mere conjecture to assume that the slaves, enumerated in this manifest, were the ones sold on the auction block in New Orleans while young Lincoln was a visitor in that southern city in the fall of 1828.

"Meet Mr. Lincoln"

The Lincoln National Life Insurance Company's February 12, 1959 television program "Meet Mr. Lincoln," produced by the National Broadcasting Company, has received several honors.

An "Emmy" Award was recently presented to the producers of "Meet Mr. Lincoln," for the excellent editing techniques of Silvio D'Alisera. Just recently "Meet Mr. Lincoln" was named a recipient of one of only seven Robert E. Sherwood Awards honoring television programs that deal "most dramatically and effectively with the subjects of freedom and justice." The Awards were established in 1955 by the Fund for the Republic in honor of the late Pulitzer prize playwright whose name they bear.